

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 479

Introduced by Johnson, 37

Read first time January 17, 2007

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to audiology and speech-language pathology; to
2 amend sections 71-1,186, 71-1,187, 71-1,188, 71-1,189,
3 71-1,190, 71-1,191, 71-1,193, 71-1,194, 71-1,195.01,
4 71-1,195.02, 71-1,195.03, 71-1,195.04, 71-1,195.05,
5 71-1,195.06, 71-1,195.07, 71-1,195.08, 71-1,195.09,
6 71-1,196, and 81-651, Reissue Revised Statutes of
7 Nebraska; to change and eliminate provisions relating to
8 licensure, registration, and communication assistants; to
9 harmonize provisions; to repeal the original sections;
10 and to outright repeal sections 71-1,186.01, 71-1,190.01,
11 and 71-1,192, Reissue Revised Statutes of Nebraska.

12 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-1,186, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-1,186 For purposes of ~~As used in~~ sections 71-1,186 to
4 71-1,196 and elsewhere in the Uniform Licensing Law, unless the
5 context otherwise requires:

6 (1) Board ~~shall mean~~ means the Board of Audiology and
7 Speech-Language Pathology;

8 (2) Practice of audiology ~~shall mean~~ means the
9 application of ~~principles,~~ ~~methods,~~ and ~~procedures for testing,~~
10 ~~measuring,~~ and ~~monitoring hearing,~~ ~~preparation of ear impressions~~
11 ~~and selection of hearing aids,~~ ~~aural rehabilitation,~~ ~~hearing~~
12 ~~conservation,~~ ~~vestibular testing of patients when vestibular~~
13 ~~testing is done as a result of a referral by a physician,~~ and
14 ~~instruction related to hearing and disorders of hearing for the~~
15 ~~purpose of preventing,~~ ~~identifying,~~ ~~evaluating,~~ and ~~minimizing~~
16 ~~the effects of such disorders and conditions but shall not~~
17 ~~include the practice of medical diagnosis,~~ ~~medical treatment,~~
18 ~~or surgery,~~ evidence-based practice in clinical decisionmaking
19 for the prevention, assessment, habilitation, rehabilitation,
20 and maintenance of persons with hearing, auditory function, and
21 vestibular function impairments and related impairments, including
22 (a) cerumen removal from the cartilaginous outer one-third portion
23 of the external auditory canal when the presence of cerumen may
24 affect the accuracy of hearing evaluations or impressions of the
25 ear canal for amplification devices. Management of accumulation

1 of cerumen medial to the cartilaginous portion of the ear canal
2 shall be referred to a physician and (b) evaluation, selection,
3 fitting, and dispensing of hearing aids, external processors of
4 implantable hearing aids, and assistive technology devices as part
5 of a comprehensive audiological rehabilitation program, all of
6 which services shall be provided to individuals across the entire
7 life span;

8 (3) Audiologist ~~shall mean~~ means an individual who
9 practices audiology and who presents himself or herself to the
10 public by any title or description of services incorporating the
11 words audiologist, hearing clinician, hearing therapist, or any
12 similar title or description of services;

13 (4) Practice of speech-language pathology ~~shall mean~~
14 means the application of principles, and methods, and procedures
15 ~~for the evaluation, monitoring, instruction, habilitation, or~~
16 ~~rehabilitation related to~~ associated with the development and
17 disorders of human communication skills and with dysphagia, which
18 principles and methods include screening, assessment, evaluation,
19 treatment, prevention, consultation, and restorative modalities
20 for speech, voice, ~~or~~ language, language-based learning, hearing,
21 swallowing, or other upper aerodigestive functions for the purpose
22 of improving quality of life by reducing impairments of body
23 functions and structures, activity limitations, participation
24 restrictions, and environmental barriers, which services shall
25 be provided to individuals across the entire life span; ~~for the~~

1 ~~purpose of preventing, identifying, evaluating, and minimizing the~~
2 ~~effects of such disorders and conditions but shall not include the~~
3 ~~practice of medical diagnosis, medical treatment, or surgery;~~

4 (5) ~~Speech-language pathologist shall mean~~ means an
5 individual who presents himself or herself to the public
6 by any title or description of services incorporating the
7 words speech-language pathologist, speech therapist, speech
8 correctionist, speech clinician, language pathologist, language
9 therapist, language clinician, logopedist, communicologist,
10 aphasiologist, aphasia therapist, voice pathologist, voice
11 therapist, voice clinician, phoniatriest, or any similar title,
12 term, or description of services; and

13 (6) ~~Communication assistant shall mean~~ Audiology or
14 speech-language pathology assistant or any individual who presents
15 himself or herself to the public by any title or description
16 with the same duties means any person who, following specified
17 training and receiving specified supervision, provides specified
18 limited structured communication or swallowing services, which are
19 developed and supervised by a licensed audiologist or licensed
20 speech-language pathologist, in the areas in which the supervisor
21 holds licenses; and -

22 (6) Dysphagia means disorders of swallowing.

23 Sec. 2. Section 71-1,187, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 71-1,187 Nothing in the Uniform Licensing Law shall be

1 construed to prevent or restrict:

2 (1) The practice of audiology or speech-language
3 pathology or the use of the official title of such practice by a
4 person employed as a speech-language pathologist or audiologist by
5 the federal government;

6 (2) A physician from engaging in the practice of medicine
7 and surgery or any individual from carrying out any properly
8 delegated responsibilities within the normal practice of medicine
9 and surgery under the supervision of a physician;

10 (3) A person licensed as a hearing aid fitter and dealer
11 in this state from engaging in the fitting, selling, and servicing
12 of hearing aids or performing such other duties as defined in
13 sections 71-4701 to 71-4719;

14 (4) The practice of audiology or speech-language
15 pathology or the use of the official title of such practice by
16 a person who holds a valid and current credential as a ~~speech~~
17 ~~or hearing specialist~~ speech-language pathologist or audiologist
18 issued by the State Department of Education, if such person
19 performs speech-language pathology or audiology services solely
20 as a part of his or her duties within an agency, institution, or
21 organization for which no fee is paid directly or indirectly by the
22 recipient of such service and under the jurisdiction of the State
23 Department of Education, but such person may elect to be within the
24 jurisdiction of sections 71-1,186 to 71-1,196; or

25 (5) The clinical practice in audiology or speech-language

1 pathology required for students enrolled in an accredited college
2 or university pursuing a major in audiology or speech-language
3 pathology, if such clinical practices are supervised by a person
4 licensed to practice audiology or speech-language pathology and
5 if the student is designated by a title such as ~~trainee~~ student
6 clinician or other title clearly indicating the training status.

7 Sec. 3. Section 71-1,188, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 71-1,188 Nothing in sections 71-1,186 to 71-1,196 shall
10 be construed to prevent or restrict (1) a qualified person licensed
11 in this state from engaging in the profession for which he or
12 she is licensed if he or she does not present himself or herself
13 to be an audiologist or speech-language pathologist or (2) the
14 performance of audiology or speech-language pathology services in
15 this state by any person not a resident of this state who is
16 not licensed under such sections, if such services are performed
17 for not more than thirty days in any calendar year, if such
18 person meets the qualifications and requirements for application
19 for licensure under such sections, if such person is working under
20 the supervision of a person licensed to practice speech-language
21 pathology or audiology, and if such person registers with the board
22 prior to initiation of professional services.

23 Sec. 4. Section 71-1,189, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 71-1,189 Before any audiologist initiates any aural

1 rehabilitation for an individual, the audiologist shall have in
2 his or her possession evidence of a current otologic examination
3 performed by a physician or the audiologist shall issue a written
4 statement that the individual has been informed that he or she
5 may have a medically or surgically remediable hearing loss and
6 should seek the advice of a physician. The audiologist and the
7 individual receiving aural rehabilitation shall sign the statement
8 and a copy of the statement shall be provided to the individual.
9 All vestibular testing performed by an audiologist shall be done at
10 the referral of a physician and, whenever possible, at the referral
11 of an otolaryngologist or neurologist.

12 Sec. 5. Section 71-1,190, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 71-1,190 Every applicant for a license to practice
15 audiology or speech-language pathology shall (1) present proof of a
16 master's degree or its equivalent in ~~audiology or~~ speech-language
17 pathology or a master's degree or doctorate in audiology from an
18 academic program approved by the board, (2) present proof of at
19 least nine calendar months of full-time professional experience
20 or eighteen months of at least half-time professional experience
21 in speech-language pathology or audiology, supervised in the area
22 in which licensure is sought, and (3) successfully complete an
23 examination approved by the department on recommendation of the
24 board. Presentation of official documentation of certification by
25 a nationwide professional accrediting organization approved by the

1 board shall be deemed equivalent to subdivisions (1), (2), and (3)
2 of this section.

3 Sec. 6. Section 71-1,191, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 71-1,191 The board may recommend to the department that
6 a national examination in audiology or speech-language pathology be
7 approved in lieu of or in addition to an examination given by the
8 board. When only a national examination is used, no examination fee
9 will be charged by the board. The board shall recommend a passing
10 score to the department.

11 Sec. 7. Section 71-1,193, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 71-1,193 Each Nebraska-licensed audiologist and
14 speech-language pathologist in active practice in this state shall
15 complete continuing competency activities as required by the board
16 pursuant to section 71-161.09 as a prerequisite for the licensee's
17 next subsequent license renewal.

18 Sec. 8. Section 71-1,194, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 71-1,194 (1) A temporary license to practice audiology or
21 speech-language pathology may be granted to persons who establish
22 residence in Nebraska and (a) who meet all the requirements for
23 a license except passage of the examination required by section
24 71-1,190, which temporary license shall be valid only until the
25 date on which the results of the next licensure examination are

1 available to the department and shall not be renewed, or (b)
2 who meet all the requirements for a license except completion
3 of the professional experience required by section 71-1,190,
4 which temporary license shall be valid only until the sooner
5 of completion of such professional experience or eighteen months
6 and shall not be renewed.

7 (2) The department shall have the power to deny, revoke,
8 limit, suspend, or otherwise discipline a temporary license to
9 practice audiology or speech-language pathology upon the grounds
10 and in accordance with the Uniform Licensing Law.

11 Sec. 9. Section 71-1,195.01, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 71-1,195.01 (1) Upon application and payment of the
14 registration fee, the department shall register to practice as a
15 ~~communication assistant~~ an audiology or speech-language pathology
16 assistant any person who:

17 (a)(i) Holds a bachelor's degree or its equivalent in
18 communication disorders, (ii) holds an associate degree or its
19 equivalent in communication disorders from an accredited training
20 program, or (iii) between the period of June 1, 2005, and June 1,
21 2007, was registered as and practiced as a communication assistant
22 for at least thirty hours per week for a minimum of nine months
23 per year; ~~(a) Is a graduate of an accredited high school or its~~
24 equivalent;

25 (b) Has successfully completed all required training

1 pursuant to sections 71-1,195.04 and 71-1,195.05 and any inservice
2 training required pursuant to section 71-1,195.09; and

3 (c) Has demonstrated ability to reliably maintain
4 records and provide treatment under the supervision of a licensed
5 audiologist or speech-language pathologist.

6 (2) Such registration shall be valid for one year from
7 the date of issuance.

8 (3) The board shall, with the approval of the department,
9 adopt and promulgate rules and regulations necessary to administer
10 sections 71-1,195.01 to 71-1,195.09.

11 Sec. 10. Section 71-1,195.02, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 71-1,195.02 (1) The department, upon recommendation of
14 the board, shall approve an application submitted by an audiologist
15 or speech-language pathologist for supervision ~~for a communication~~
16 ~~assistant~~ of an audiology or speech-language pathology assistant
17 when:

18 (a) The ~~communication assistant~~ audiology or
19 speech-language pathology assistant meets the requirements
20 for registration pursuant to section 71-1,195.01;

21 (b) The audiologist or speech-language pathologist has a
22 valid Nebraska license; and

23 (c) The audiologist or speech-language pathologist
24 practices in Nebraska.

25 (2) Any audiologist or speech-language pathologist

1 seeking approval for supervision of a ~~communication assistant~~
2 an audiology or speech-language pathology assistant shall
3 submit an application which is signed by the ~~communication~~
4 ~~assistant~~ audiology or speech-language pathology assistant and the
5 audiologist or speech-language pathologist with whom he or she is
6 associated. Such application shall (a) identify the settings within
7 which the ~~communication assistant~~ audiology or speech-language
8 pathology assistant is authorized to practice, and (b) describe the
9 agreed-upon functions that the ~~communication assistant~~ audiology
10 or speech-language pathology assistant may perform as provided
11 in section 71-1,195.06, and (c) provision for supervision by
12 an alternate audiologist or speech-language pathologist when
13 necessary.

14 (3) If the supervision of a ~~communication assistant~~ an
15 audiology or speech-language pathology assistant is terminated
16 by the audiologist, speech-language pathologist, or ~~communication~~
17 ~~assistant,~~ audiology or speech-language pathology assistant,
18 the audiologist or speech-language pathologist shall notify the
19 department of such termination. An audiologist or speech-language
20 pathologist who thereafter assumes the responsibility for such
21 supervision shall obtain a certificate of approval to supervise a
22 ~~communication assistant~~ an audiology or speech-language pathology
23 assistant from the department prior to the use of the ~~communication~~
24 ~~assistant~~ audiology or speech-language pathology assistant in the
25 practice of audiology or speech-language pathology.

1 Sec. 11. Section 71-1,195.03, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-1,195.03 The department may deny, suspend, limit,
4 revoke, or otherwise discipline the registration of a ~~communication~~
5 ~~assistant~~ an audiology or speech-language pathology assistant
6 or the approval of a supervising audiologist or speech-language
7 pathologist granted under sections 71-1,195.01 and 71-1,195.02 upon
8 the grounds and in accordance with the Uniform Licensing Law for
9 any violation of sections 71-1,195.01 to 71-1,195.09.

10 Sec. 12. Section 71-1,195.04, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 71-1,195.04 Initial training for ~~communication assistant~~
13 an audiology or speech-language pathology assistant shall consist
14 of ~~at least twelve hours and~~ graduation from an accredited program
15 with a focus on communication disorders which shall include:

16 (1) An overview of speech, and language, and dysphagia
17 and the practice of audiology and speech-language pathology;

18 (2) Ethical and legal responsibilities;

19 (3) Normal language, speech, and hearing functions and
20 swallowing physiology;

21 (4) Observing and recording patient progress;

22 (5) Behavior management and modification; and

23 (6) Record keeping.

24 Sec. 13. Section 71-1,195.05, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 71-1,195.05 In addition to the initial training required
2 by section 71-1,195.04, ~~any communication assistant~~ an audiology
3 or speech-language pathology assistant assigned to provide aural
4 rehabilitation programs shall have additional training which shall
5 include, but not be limited to:

- 6 (1) Information concerning the nature of hearing loss;
7 (2) Purposes and principles of auditory and visual
8 training;
9 (3) Maintenance and use of amplification devices; and
10 (4) Such other subjects as the department may deem
11 appropriate.

12 Sec. 14. Section 71-1,195.06, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 71-1,195.06 ~~A communication assistant~~ An audiology or
15 speech-language pathology assistant may, under the supervision of
16 a licensed audiologist or speech-language pathologist, perform the
17 following duties and activities:

- 18 (1) Implement programs and procedures designed by
19 a licensed audiologist or speech-language pathologist; ~~which~~
20 ~~develop or refine receptive and expressive verbal and nonverbal~~
21 ~~communication skills;~~

22 (2) Maintain records of implemented procedures which
23 document a patient's responses to treatment;

24 (3) Provide input for interdisciplinary treatment
25 planning, inservice training, and other activities directed by a

1 licensed audiologist or speech-language pathologist;

2 (4) Prepare instructional material to facilitate
3 program implementation as directed by a licensed audiologist or
4 speech-language pathologist;

5 (5) ~~Recommend speech, language, and hearing referrals~~
6 ~~for evaluation by a licensed audiologist or speech-language~~
7 ~~pathologist;~~ (6) Follow plans, developed by the licensed audiologist
8 or speech-language pathologist, that provide specific sequences of
9 treatment to individuals with communicative disorders or dysphagia;
10 and

11 ~~(7)~~ (6) Chart or log patient responses to the treatment
12 plan.

13 Sec. 15. Section 71-1,195.07, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 71-1,195.07 A ~~communication assistant~~ An audiology or
16 speech-language pathology assistant shall not:

17 (1) Evaluate or diagnose any type of communication
18 disorder;

19 (2) Evaluate or diagnose any type of dysphagia;

20 (3) Interpret evaluation results or treatment progress;

21 ~~(3)~~ (4) Consult or counsel, independent of the licensed
22 audiologist or speech-language pathologist, with a patient, a
23 patient's family, or staff regarding the nature or degree of
24 communication disorders or dysphagia;

25 ~~(4)~~ (5) Plan patient treatment programs;

1 ~~(5)~~ (6) Represent himself or herself as an audiologist or
 2 speech-language pathologist or as a provider of speech, language,
 3 swallowing, or hearing treatment or assessment services; ~~or~~

4 ~~(6)~~ (7) Independently initiate, modify, or terminate any
 5 treatment program; or -

6 (8) Fit or dispense hearing aids.

7 Sec. 16. Section 71-1,195.08, Reissue Revised Statutes of
 8 Nebraska, is amended to read:

9 71-1,195.08 (1) When supervising the ~~communication~~
 10 ~~assistant,~~ an audiology or speech-language pathology assistant, the
 11 supervising audiologist or speech-language pathologist shall:

12 (a) Provide supervision for no more than two audiology or
 13 speech-language pathology assistants at one time;

14 (b) Provide direct onsite supervision for the first
 15 ~~treatment session,~~ two treatment sessions of each patient's care;

16 ~~(b)~~ (c) Provide direct onsite supervision of at least
 17 twenty percent of all subsequent treatment sessions per quarter;

18 ~~(e)~~ (d) Provide regular and frequent inservice training,
 19 at least ten hours of in-service training per registration
 20 period, either formal or informal, which is directly related
 21 to the particular services provided by the ~~communication assistant,~~
 22 audiology or speech-language pathology assistant; and

23 ~~(d)~~ (e) Prepare semiannual performance evaluations of
 24 the communication assistant, audiology or speech-language pathology
 25 assistant to be reviewed with the audiology or speech-language

1 pathology assistant on a one-to-one basis.

2 (2) The supervising audiologist or speech-language
3 pathologist shall be responsible for all aspects of patient
4 treatment.

5 Sec. 17. Section 71-1,195.09, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 71-1,195.09 The supervising audiologist or
8 speech-language pathologist shall provide ~~the communication~~
9 ~~assistant with an evaluation,~~ ~~supervision,~~ ~~and training,~~ including
10 at least ten hours each year of inservice training in areas related
11 to the services provided by the communication assistant pursuant
12 to section 71-1,195.08. Such training shall be verified by annual
13 reports to the department verifying that evaluation, supervision,
14 and training required by section 71-1,195.08 has been completed.

15 The audiologist or speech-language pathologist shall keep accurate
16 records of such evaluation, supervision, and training.

17 Sec. 18. Section 71-1,196, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 71-1,196 Any audiologist who engages in the sale of
20 hearing aids shall ~~not~~ be exempt from sections 71-4706 to 71-4711.

21 Sec. 19. Section 81-651, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 81-651 (1) The Department of Health and Human Services
24 may provide visiting community nursing services or home health
25 services to persons living in the state and may charge fees for

1 such services. The department shall not be exempt from licensure as
2 a home health agency under the Health Care Facility Licensure Act.

3 (2) The department may organize, license, and operate
4 home health agencies to assist in providing services under
5 subsection (1) of this section.

6 (3) The department (a) may employ necessary
7 personnel, including, but not limited to, licensed nurses,
8 physical therapists, physical therapy assistants, audiologists,
9 speech-language pathologists, ~~communication assistants,~~ audiology
10 or speech-language pathology assistants, occupational therapists,
11 occupational therapy assistants, home health aides, homemakers,
12 respiratory care practitioners, nutritionists, social workers, and
13 supervisory personnel, and may purchase equipment and materials
14 necessary to maintain an effective program or (b) may contract with
15 individuals or licensed agencies to obtain such services or to
16 assist in providing services under subsection (1) of this section.

17 (4) The department may contract with any public, private,
18 for-profit, or nonprofit agency or individual to provide home
19 health services through any licensed home health agency created
20 under subsection (2) of this section.

21 Sec. 20. Original sections 71-1,186, 71-1,187, 71-1,188,
22 71-1,189, 71-1,190, 71-1,191, 71-1,193, 71-1,194, 71-1,195.01,
23 71-1,195.02, 71-1,195.03, 71-1,195.04, 71-1,195.05, 71-1,195.06,
24 71-1,195.07, 71-1,195.08, 71-1,195.09, 71-1,196, and 81-651,
25 Reissue Revised Statutes of Nebraska, are repealed.

1 Sec. 21. The following sections are outright repealed:
2 Sections 71-1,186.01, 71-1,190.01, and 71-1,192, Reissue Revised
3 Statutes of Nebraska.